

Please type a plus sign (+) inside this box →

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

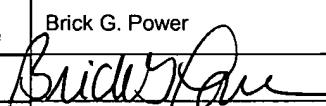
(to be used for all correspondence after initial filing)

	Application Number	09/839,778
	Filing Date	April 20, 2001
	First Named Inventor	Herron et al.
	Group Art Unit	1641
	Examiner Name	G. Gabel
	Attorney Docket Number	0274.02-3278.1US (U-2541.1)

ENCLOSURES (check all that apply)

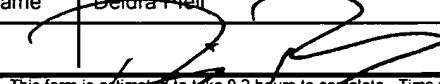
<input checked="" type="checkbox"/> Postcard receipt acknowledgment (attached to the front of this transmittal) <input checked="" type="checkbox"/> Duplicate copy of this transmittal sheet in the event that additional filing fees are required under 37 C.F.R. § 1.16 <input type="checkbox"/> Preliminary Amendment <input checked="" type="checkbox"/> Response to Restriction Requirement/Election of Species Requirement dated Sept. 11, 2002 <input type="checkbox"/> Amendment in response to office action dated <input type="checkbox"/> Amendment under 37 C.F.R. § 1.116 in response to final office action dated <input type="checkbox"/> Additional claims fee - Check No. in the amount of \$ <input type="checkbox"/> Letter to Chief Draftsman and copy of FIGS. with changes made in red <input type="checkbox"/> Transmittal of Formal Drawings <input type="checkbox"/> Formal Drawings (sheets)	<input type="checkbox"/> Information Disclosure Statement, PTO/SB/08A (08-00); <input type="checkbox"/> copy of cited references <input type="checkbox"/> Supplemental Information Disclosure Statement; PTO/SB/08A (08-00); copy of cited references and Check No. in the amount of \$180.00 <input type="checkbox"/> Associate Power of Attorney <input checked="" type="checkbox"/> Petition for Extension of Time and Check No. 3436 in the amount of \$200.00 <input type="checkbox"/> Petition <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Other Enclosure(s) (please identify below):
RECEIVED DEC 17 2002 TECH CENTER 1600/2900		
Remarks		
The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account 20-1469 during pendency of this application.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brick G. Power	Registration No. 38,581
Signature		
Date	December 11, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below.

Typed or printed name	Deidra Pfeil	Date	December 11, 2002
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

#4
12/20/02
NW
PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Application of:**

Herron et al.

Serial No.: 09/839,778

Filed: April 20, 2001

For: DIAGNOSTIC DEVICE AND
METHOD

Confirmation No.: 3373

Examiner: G. Gabel

Group Art Unit: 1641

Attorney Docket No.: 0274.02-3278.1US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

December 11, 2002
Date

Signature

December 11, 2002
Name (Type/Print)**RECEIVED**

DEC 17 2002

TECH CENTER 1600/2900

Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is in response to the Restriction Requirement which was mailed on September 11, 2002, the one-month shortened statutory period for response to which expired on October 11, 2002. This response is being filed by December 11, 2002, with a petition for a two-month extension of time and the appropriate fee.

Claims 1-35 are currently pending in the above-referenced application and are subject to a restriction requirement. An election is hereby made, with traverse, to prosecute the invention of Group 1, including claims 1-21.

Please note that Group 1, which includes claims 1-21, has been identified as including claims which are drawn to a method for "simultaneous detection of analyte in a sample using a

waveguide, classified in class 436, subclass 164." Independent claim 1, like independent claim 22, does not recite use of a waveguide and, thus, is not limited to use of a waveguide.

Accordingly, withdrawal of the restriction requirement is respectfully requested.

In addition, an early action on the merits of claims 1-35 is respectfully solicited.

Respectfully submitted,



Brick G. Power
Registration No. 38,581
Attorney for Applicant(s)
TRASKBRITT, PC
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: December 11, 2002

BGP/djp
Document in ProLaw